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ability of the subject to manage his own affairs; but unconditional payments to the infirm, aged, and decrepit were also to be allowed.[68] Undoubtedly, lease monies made some Indians, who would otherwise not have qualified, financially eligible for their share of the trust funds. By 1915 most of the Indians had realized their full pro rata share of the trust funds, and annuities were received only by children and a very few others. The children's shares by this time were being paid to their parents or guardians.[69]

A similar development took place in the allocation of the remaining part of the funds, designated for irrigation improvements or stock issues. When the pro rata shares of this amount, $110,662.16, proved insufficient for the irrigation work required in the Modoc Point area, the tribal council advocated that all the amount be issued in cattle.[70] Some 4,000 heifers, as desired, were accordingly purchased, with each Indian residing on the reservation receiving four head, save the youngest member of the family, who received three. Although the clerk in charge of the Agency stated that "all Indians residing off the reservation and who were enrolled at that time received nothing,"[71] he is clearly in error, for issues were made to a number of persons dwelling off the reservation.

Here once more is to be seen the interplay of government policy and considerations of tribal status. The cattle issues were designed by the government to foster stock raising as a reservation industry, but they were made at a time when land leasing and pro rata shares of the tribal fund had already created an expectation of direct cash receipts. In these terms, a number of the reservation Indians almost at once sold their cattle to neighboring white stockmen, and Superintendent Wilson had to threaten to bring the law upon the latter in order to recover them.[72] Meanwhile, off-reservation members were pleading their absence from the reservation and the advisability of using the money instead "to good advantage toward family necessities."[73] Finally, the discovery that many of the heifers issued were spayed, and so were useless for breeding purposes, capped the experiment. As Watson wrote, "Almost every Indian who has been at the office lately claims that he has from one to five or

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*648 *657 434 313 capitas that far exceeded those previously received from tribal funds, the incentives of ranching declined. Vainly did C. H. Asbury claim that the new giant was no more than a "temporary industry" that would serve to finance stock raising.[80] When a *648 *657 434 231 423 special appropriation in 1919 permitted a large number of cattle to be issued to the Indians, many of them were promptly sold for cash.[81] By 1922 the livestock industry was proclaimed "almost bankrupt," and the error was acknowledged of having broadcast the cattle issues without recognizing that not everyone had either the inclination or the ability for ranching. By then, 432 allottees had disposed of valuable haylands and grazing tracts in Sycan Marsh, the valleys of the Williamson, Sprague, and Wood rivers, and at Modoc Point. Klamath Marsh tracts were soon to follow.[82] Wrote Superintendent L. D. Arnold in 1926:

> I have been advised by a number of men who have lived among these Indians for many years that at one time they were very progressive and were engaged successfully in the stock business. Practically all of the Indians at that time lived on their allotments, did considerable farming, harvested many thousands of tons of hay, and owned many thousand head of cattle. They were industrious and were considered capable of handling stock in an efficient manner. During recent years there has been a general decline industrially among them. They have sold their cattle; they have left their allotments; many of them are now not engaged in any profitable work. As a matter of fact I do not believe that there are one thousand head of cattle owned by Indians on this reservation at the present time. Last year the most prominent Indian stockman sold almost his entire herd for about $35,000--the last of the Indians who were formerly quite prosperous.[83]

With the sale of their haylands, the source of their winter feed, the Indians were relinquishing "the very foundation of the stock industry." The older Indians, the mainstay of the industry, had for the most part disposed of their stock and lands, while their juniors showed no inclination for ranching. Arnold did not foresee an encouraging future.[84] The issuance of drought cattle in 1935 was an unavailing attempt to revive the industry.[85]

*648 *657 312 • 653 The fate of irrigation farming is typical in many ways of several Agency programs. As early as 1884, Nickerson had advocated constructing an irrigation ditch to water some 4,000 acres and provide support for a settlement of 80 to 100 Indian families.[86]

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His planning and that of his successors was concerned solely with the engineering problems and the financing involved. The desirability of irrigating, at a time when reclamation projects were springing up everywhere, was never doubted. When a small ditch was dug in 1900, largely by the Indians themselves, to bring the waters of Crooked Creek upon lands between the Agency and Fort Klamath, the "remarkable" increase in yield that resulted gave rise in turn to exacerbated strife over water rights among the allottees affected. As Agent O. C. Applegate observed, there was need for "an organization of interested parties upon a plan of mutual cooperation," modeled perhaps upon irrigation districts then coming into being elsewhere in the Basin.[87] The organization was not forthcoming.

No further attempts seem to have been made to prepare the Indians for irrigated farming, but the plans for additional units nonetheless went ahead. The lower course of the Modoc Point canal was dug in 1901-03, and in 1905 the Agency Spring Ditch was constructed. The years 1912-20 saw completion of the Modoc Point, Sand Creek, and Spring Creek units. Of all units, the Modoc Point and Agency projects were the largest, embracing 5,400 acres and 4,234 acres respectively. The Modoc Point project, which Applegate had at first estimated would require $5,000, in the end cost $356,535.00 for construction alone; and its many defects have since led to additional costs approximating two-thirds of that figure for operation and maintenance.[88]

Nor were the difficulties surrounding the Modoc Point project limited to construction. As of 1920 only a total of 5,000 acres was being cultivated on the reservation. The largest acreage tilled by an individual was 200 acres sown in oats and alfalfa by the young Klamath interbreed, Joseph Ball. Lesser amounts were being farmed by Harrison Brown (100 acres), Drummer David (80 acres), and Lincoln P. Butler (80 acres).[89] While some Indians were building their own irrigation ditches in the Yainax area,[90] those served by the Modoc Point system seemed to prefer dry farming.

The Act of Congress authorizing the Modoc Point project had stipulated that the cost of construction be paid by the Tribe. A number of Indians, however, petitioned to have the cost assessed on an acreage basis against the land served, and this policy met

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the approval of the Interior Department. Accordingly, a construction charge of $30.00 per acre and an annual operations and maintenance charge of $1.00 per acre was levied against the land. The Indians whose lands lay within the area proved reluctant to irrigate. In 1926 not over 300 acres, out of a total then estimated at 6,000 acres, was under irrigation. Arnold vainly urged the retention of an expert irrigation farmer both to encourage the Indians to bring water upon their lands and to give them the necessary technical advice. In his firm opinion, "the only thing that prevents this project from being a success is the failure of the people to properly prepare the land for irrigation and to use the water efficiently."[91]

Grounds for dissatisfaction existed. Not only were operation and maintenance expenses high, but there were malfunctions which from time to time required stoppages for repairs, thus causing irregular service. Some users complained that they could not get water when they wanted it; others claimed that seepage from the canal upon their land produced an alkaline deposit. At a time when the small Fort Creek system near Fort Klamath and the Spring Creek unit east of Beatty on the Upper End were functioning adequately under local management, the Modoc Point Indian farmers were objecting to paying the annual operation and maintenance charges for the water. Arnold, faced with an expensive project on his hands, was advocating legislation that would permit leases of up to ten years in length in order to put the irrigable lands into use.[92]

In 1928, Arnold summarized the strong discontent of the Indians toward the project. Although, as he conceded, opinion on details was divided, the Indians held firmly to the view

> that the Government should pay the construction charges now against the land and not compel either the land owners or the tribe to pay it. They seem to feel that the project was built without their consent and they should not be held responsible for its failure financially. Some of them seem to feel that the project should be turned over to the land owners who would operate it. Others do not appear to know just what they do want, but they do not want to pay anything.

Arnold advocated that the land be gotten under irrigation and put on a paying basis, to which the inexperience and reluctance of the farmers themselves was the main obstacle. Failing that,

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the project should be abandoned entirely and the loss charged to the Tribe.[93]

It is unnecessary to enter into the later history of the Modoc Point project, which made it a subject of interest at several Congressional hearings and a point of contention even into post-termination days, for the basic issues have remained the same. A number of Indians owning land within the project in the course of time sold their lands, just as most of those Indians owning lands served by the Sand Creek project had soon sold out to white farmers.[94]

The failure of the Modoc Point project can be attributed in part to the very real engineering difficulties in maintaining a canal system through a pumice region, feeding from a stream (the Sprague) in multiple use. More than this, however, was involved. There was the expertism of the Agency and Bureau, confusing the technical knowledge about construction and maintenance of such a system with the decision to build it. On the one hand the administrative staff was reluctant to entrust the decision to the Indians; on the other, the Indians did not provide a responsible leadership interested in developing such a program. The enterprise once launched therefore carried responsibility on only one side. There was no effort to enlist tribal support through involvement of tribal members in the fundamental decisions; nor was there sufficient training of the farmers to be affected in the special techniques entailed in irrigation. Indians resented charges against the land and attempted to avoid them by continuing to cultivate the fields by dry farming. Among the farmers, white and Indian, no effective organization for water use developed. With income from timber available, the inexperienced farmer sought release from a situation for which the rewards were not commensurate with the risks and the onus of subjection to Agency dictates. Leasing or sale of the lands in the end involve more than the realization of value from property, which could otherwise only be secured by investment of labor. For the Indian, relinquishment of farming also freed him from some of the surveillance and scrupulous regulation to which he was subjected.

Plans that saw the Indian farming or ranching struck in the end upon the stubborn fact that he could frequently realize more,